

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Arthur G. Peterson,

Complainant,

vs.

Verizon California, Inc. (U1002C) and  
Pacific Bell Telephone Company, dba AT&T  
California (U1001C),

Defendants.

Case 13-08-013  
(Filed August 13, 2013)

**DECISION GRANTING MOTIONS TO DISMISS FOR LACK OF JURISDICTION**

**Summary**

We grant the motions of Verizon California, Inc. and Pacific Bell Telephone Company, dba AT&T California to dismiss the complaint for lack of jurisdiction.

**Background**

Complainant filed the above-entitled action on August 13, 2013. The complaint alleges that on July 10, 2013, Defendant Verizon California Inc., (Verizon) terminated digital subscriber line (DSL) Internet service to Complainant's home and refunded to him all payments previously made by him (net of credits) for such service. According to Verizon, it ceased providing DSL service because the location of Complainant's property relative to the Verizon network made it impossible for Verizon to provide consistently reliable service. Complainant next sought to obtain DSL service from Defendant Pacific Bell

Telephone Company (AT&T) which declined to provide it. Complainant then filed this action asking, among other things, for an order of this Commission directing AT&T to provide DSL service to Complainant's home. Both Verizon and AT&T have filed motions to dismiss the action on the grounds, among others, that this Commission lacks jurisdiction over the provision of Internet services by providers of traditional telephone service.

**Discussion**

It is well-established that Internet service is classified for state and federal regulatory purposes as an "information service"<sup>1</sup> and that state commissions such as the California Public Utilities Commission do not have jurisdiction over information services<sup>2</sup> even if the providers also provide "communications services" that are subject to state regulation. Such is the case here. Both defendants provide traditional telephone service that is subject to the jurisdiction of this Commission as well as DSL service that is not subject to our jurisdiction. Accordingly, this complaint must be dismissed.

**Comments on Proposed Decision**

The proposed decision of the Administrative Law Judge in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code

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<sup>1</sup> In its Broadband Framework Report and Order (FCC 05-150, released August 5, 2005), the Federal Communications Commission determined that facilities-based wireline broadband internet access service such as DSL service is an information service as defined by the Telecommunications Act of 1996.

<sup>2</sup> In *Day v. Verizon*, D.06-06-061, we dismissed an identical claim on the grounds that we do not have jurisdiction over DSL service.

and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No Comments were filed.

**Assignment of Proceeding**

Carla G. Peterman is the assigned Commissioner and Karl J. Bemederfer is the assigned Administrative Law Judge in this proceeding.

**Findings of Fact**

1. Complainant resides in Verizon territory.
2. Only July 10, 2013, Verizon terminated DSL Internet service to Complainant's residence and refunded all payment for such service previously made by him, net of credits.
3. AT&T has declined to provide DSL service to Complainant's residence.

**Conclusion of Law**

The Commission has no jurisdiction over DSL Internet service.

**O R D E R**

**IT IS ORDERED** that:

1. The complaint is dismissed for failure to state a claim on the basis of which relief may be granted.
2. Case 13-08-013 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.